



January 3, 2025

VIA ECF

The Honorable Dale E. Ho
U.S. District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. M/Y Amadea, No. 23-cv-9304 (DEH)

Dear Judge Ho:

This firm represents Claimants in the above-referenced matter. We write to provide the Court with an update as to [REDACTED]

[REDACTED]

As such, Claimants respectfully request that the location and timing of Mr. Khudaiantov's deposition be determined following the hearing, which is currently scheduled for January 21-24, [REDACTED]

Notwithstanding the inability to conduct Mr. Khudaiantov's deposition prior to the hearing on standing, Claimants remain prepared to go forward on the scheduled dates. Indeed, given the overwhelming evidence that Claimants plan to introduce at the upcoming hearing, Claimants believe it is proper and appropriate for the Court to permit the parties to find a mutually acceptable date and location for his deposition at the conclusion of the hearing on standing and prior to the merits trial. While Claimants understand that this Court has not yet ruled Claimants have standing, we submit that the evidence of standing is so overwhelming that Claimants are confident this Court will have no option but to find that Claimants have standing and permit this case to proceed to Claimants' motion to dismiss the forfeiture complaint, and if necessary summary judgment on the merits.

To be clear, every relevant fact witness that has been examined has explained their knowledge or belief that Mr. Khudainatov owned the Amadea at the time it was seized (and at all times). Indeed, his assistant was deposed for over ten hours by both parties, discussed hundreds of documents compromising the full corporate records of Millemarin, the vessel's prior legal

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owner Nereo Management Ltd., and all key contracts relating to the commissioning, building, and ownership of the Amadea by Mr. Khudainatov, all of which she testified to having personally, drafted, reviewed, and/or maintained, as part of her work for Mr. Khudainatov. The testimony of this witness alone is sufficient. But, in fact, Claimants have the testimony of several more witnesses and hundreds of documents in support of Claimants' position. No witness has said that the Errigal transaction was a sale to Kerimov, but in any event the evidence shows that the transaction never closed. Even if the transaction did close, and as the government argues divests Mr. Khudainatov of standing—which it did not—Millemarin would still be the owner of the Amadea and it would have standing itself to challenge the government's forfeiture allegations. There is simply no possible evidentiary record in this case that divests both Claimants of standing in this case, as such, it must proceed to a merits determination, if the forfeiture complaint withstands the legal motions outstanding.

We note that this Court can and should consider Mr. Khudaiantov's declaration at the upcoming hearing. But even if this Court were to not consider it, because the government has not had an opportunity to cross examine him, the result will be the same, given the overwhelming evidence that already exists in the record of Mr. Khudainatov's and Millemarin's standing that we intend to present at the hearing starting on January 21.

Given the above, Claimants respectfully request that the Court adjourn further decision as to the timing and location of Mr. Khudainatov's deposition until after the hearing, [REDACTED].

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Adam C. Ford

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